



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

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In re Application of:
Charles A. Conrad

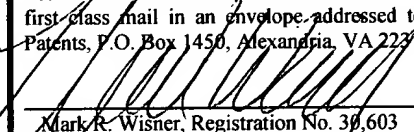
Serial No.: 09/169,793

Filed: October 9, 1998

For: **PRODUCTION OF
ssDNA *IN VIVO***

§ Atty. Docket No.: INGA,004
§
§
§ Examiner: J. Martinell
§
§
§
§ Group Art Unit: 1633
§

COMMISSIONER OF PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING (37 CFR 1.8a)	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
 Mark R. Wisner, Registration No. 36,603	July 8, 2005 Date

COMMUNICATION RE REQUEST FOR REINSTATEMENT

Dear Sir:

Applicant filed a paper titled Request for Reinstatement and/or Petition to Revive in the captioned application on December 31, 2004. By phone call to the Petitions Office earlier this week, it was discovered that the Office has no indication that Applicant's December 31, 2004 filing was received. The below-signed Attorney for Applicant has since reviewed his deposit account records and his credit card records (the December 31, 2004 filing was accompanied by a Form PTO-2038 Authorization to Charge Credit Card) and found no indication that fees were charged to either the deposit account or the credit card for this application after December 31, 2004. Further, Applicant's Attorney is unable to locate the postcard sent with the December 31, 2004 filing (that should have been returned by the PTO to acknowledge receipt of that filing) such that it is now clear that Applicant's December 31, 2004 filing was not received by the Office.

Applicant therefore attaches copies of the following documents, all mailed with properly executed certificates of mailing under 37 C.F.R. 1.8(a) to the Office on December 31, 2004, and requests consideration of these documents at this time:

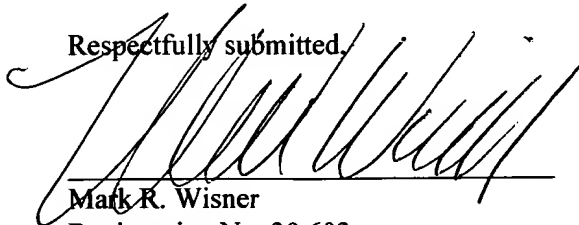
- Request for Reinstatement and/or Petition to Revive;
- Response to Official Action of March 8, 2002; and
- Request for Continued Examination.

As noted above, Applicant's Attorney has not received the postcard back from the Office to show that the Request for Reinstatement was received by the Office. However, as set out in 37 C.F.R. 1.8(a), correspondence is considered timely filed if the procedure described in §1.8 is followed; actual receipt of the correspondence by the Office is not required by the Rule.

Specifically, correspondence sent to the Office is considered timely "if the party who forwarded such correspondence (1) informs the Office of the previous mailing . . . promptly after becoming aware that the Office has no evidence of receipt of the correspondence; (2) supplies an additional copy of the previously mailed . . . correspondence and certificate; and (3) includes a statement which attests on a personal knowledge basis . . . to the previous timely mailing . . . 37 C.F.R. 1.8(b). This Communication is therefore being filed by the party who forwarded the previous correspondence (Applicant's Attorney) to inform the Office that the correspondence was not received by the Office promptly after the undersigned Attorney became aware that the Office had not received the correspondence. An additional copy of the previous correspondence is enclosed, and the undersigned Attorney hereby states that he personally deposited the envelope (into which he had himself placed the correspondence) into the mail slot on the first floor of his office building on December 31, 2004 before the 4:00 pm time for pick-up by the postal carrier.

With this filing, Applicant again requests withdrawal of the Notice of Abandonment of the application, consideration of the remarks set out in Applicant's Response to Official Action of March 8, 2002, reconsideration and withdrawal of the rejections, and passage of the application to issuance. Although no fee is assessed for filing a request for reinstatement, in the unforeseen event a fee is assessed, the Commissioner is authorized to charge the Deposit Account of Wisner & Associates, Account No. 50-0965 (INGA,004). Please note the Notice of Change of Correspondence Address filed with the December 31, 2004 Request for Reinstatement.

Respectfully submitted,



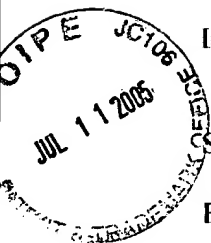
Mark R. Wisner
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Telephone: (713) 785-0555
Facsimile: (713) 785-0561

ATTORNEY FOR APPLICANT(S)

Date: July 8, 2005

COPY

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PATENT EXAMINING OPERATION



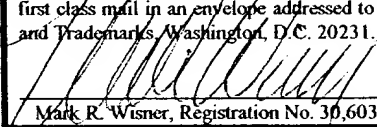
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COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231.


Mark R. Wisner, Registration No. 30,603

December 31, 2004
Date

REQUEST FOR REINSTATEMENT AND/OR PETITION TO REVIVE

Dear Sir:

Applicant requests reinstatement and/or revival of the captioned application. It was discovered earlier this month that the publicly-accessible PTO database indicates that the application was abandoned on October 1, 2003 because of Applicant's failure to respond to an Office Action. Applicant has not received the Notice of Abandonment that was supposedly mailed on October 1, 2003.

However, it is respectfully submitted that any Notice of Abandonment of the captioned application was erroneous because Applicant mailed the following documents, with properly executed certificates of mailing under 37 C.F.R. 1.8(a), to the Office on June 7, 2002:

- Response to Official Action of March 8, 2002; and
- Request for Continued Examination.

Copies of the above-listed documents are enclosed for the convenience of the Office. Unfortunately, the below-signed Attorney for Applicant does not seem to have received the date-stamped postcard sent with that filing back from the Office to enclose with this Request for Reinstatement to show that the Office acknowledged receipt of that filing. However, as set out in 37 C.F.R. 1.8(a), correspondence required to be filed within a set period of time will be considered as timely filed if the procedure described in §1.8 is followed; actual receipt of the correspondence by the Office is not required by the Rule.

Specifically, correspondence sent to the Office is considered timely "if the party who forwarded such correspondence (1) informs the Office of the previous mailing . . . promptly after becoming aware that the Office has no evidence of receipt of the correspondence; (2) supplies an additional copy of the previously mailed . . . correspondence and certificate; and (3) includes a statement which attests on a personal knowledge basis . . . to the previous timely mailing . . . 37 C.F.R. 1.8(b). This Request for Reinstatement is therefore being filed by the party who forwarded the previous correspondence (the undersigned Attorney) to inform the Office that the correspondence was not received, and is being filed promptly after the undersigned Attorney became aware that the Office had not received the correspondence. An additional copy of the previously mailed correspondence is enclosed, and the undersigned Attorney hereby states that he personally deposited the envelope (into which he had himself placed the enclosed correspondence) into the "out" box in his offices at the time on June 7, 2002, that he did so in time for the contents of the "out" box to be taken downstairs to the U.S. Postal Service drop box on the first floor of the building in which he officed at the time, and that it was standard practice in his offices at the time for the contents of the "out" box to be taken downstairs to the Postal Service drop box in time for pick-up by the postal carrier on that same day.

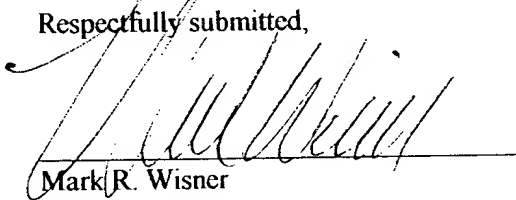
For these reasons, Applicant requests withdrawal of the Notice of Abandonment of the application, consideration of the remarks set out in Applicant's Response to Official Action of March 8, 2002, reconsideration and withdrawal of the rejections, and passage of the application to issuance. Although no fee is assessed for filing a request for reinstatement, in the unforeseen event a fee is assessed, the Commissioner is authorized to charge the Deposit Account of Wisner & Associates, Account No. 50-0965 (INGA,004).

This filing is styled as a Request for Reinstatement and/or Petition to Revive so that, in the unforeseen event that the above request for reinstatement is not capable of being granted, Applicant can request that the application be revived since it was abandoned unintentionally. This alternative basis for this filing is being set out because, in reviewing the file, it has been discovered that the undersigned Attorney for Applicant failed to file a Notice of Change of Correspondence Address when he changed the location of his offices in May of 2003. Had that Notice been filed, it is likely that the Notice of Abandonment would have been received shortly after the October 1, 2003 mailing date of that document, and it would have been known at that time that the application was erroneously abandoned. So far as is known, neither fault nor the passage of time is determinative of whether an application can be reinstated/revived, but it is of paramount importance that this application be reinstated. It is therefore respectfully requested that this filing be construed as a

petition to revive an unintentionally abandoned application if doing so will result in the reinstatement of the application. In support of this alternative basis for this filing, it is noted that a copy of the response required by 37 C.F.R. 1.137(b), having been previously mailed to the Office, is enclosed with this filing, and Applicant hereby states that (as set out above) the entire delay in filing the required reply from the due date until the filing of this document was unintentional. Applicant also encloses a Form PTO-2038 authorizing a charge in the amount of the applicable fee for the filing of a petition under 37 C.F.R. 1.137(b). In the event this application is reinstated in response to Applicant's request for reinstatement such that it is not necessary to construe this filing as a petition to revive an unintentionally abandoned application, Applicant respectfully requests in accordance with the provisions of 37 C.F.R. 1.28 that the Office refund the fee for filing a petition to revive under 37 C.F.R. 1.137(b).

Finally, Applicant also encloses the Notice of Change of Correspondence Address that should have been filed back in April of 2003 and requests entry of same.

Respectfully submitted,



Mark R. Wisner

Registration No. 30,603

Wisner & Associates

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Houston, Texas 77027-9012

Telephone: (713) 785-0555

Facsimile: (713) 785-0561

ATTORNEY FOR APPLICANT(S)

Date: December 31, 2004